

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN THERIOT,

Plaintiff,

v.  
CASE NO. 5:12-CV-11629  
HONORABLE JOHN CORBETT O'MEARA

DURANO, et al.,

Defendants.

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**ORDER DENYING REQUEST FOR ENTRY OF DEFAULT  
AND MOTION FOR DEFAULT JUDGMENT**

Michigan prisoner Kevin Theriot (“Plaintiff”) filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983, which the Court recently dismissed for failure to state a claim upon which relief may be granted. This matter is before the Court on Plaintiff’s “Request for Entry of Default and Motion for Default Judgment” based upon the defendants’ failure to respond to his complaint. Given that the Court dismissed the complaint prior to service upon the defendants, Plaintiff’s default request/motion is without merit and has, in fact, been rendered moot. Accordingly, the Court **DENIES** Plaintiff’s request for entry of default and motion for default judgment. This case is closed.

s/John Corbett O’Meara  
United States District Judge

Date: June 6, 2012

I hereby certify that a copy of the foregoing document was served Plaintiff on this date, June 6, 2012, using first-class U.S. mail.

s/William Barkholz  
Case Manager